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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,277	02/19/2002	Adnan Kavak	SAMS01-00171	3424
23990	7590	06/22/2007		
DOCKET CLERK P.O. DRAWER 800889 DALLAS, TX 75380			EXAMINER MILLS, DONALD L	
			ART UNIT	PAPER NUMBER
			2616	
			MAIL DATE	DELIVERY MODE
			06/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Advisory Action Before the Filing of an Appeal Brief	Application No. 10/078,277	Applicant(s) KAVAK ET AL.	
	Examiner Donald L. Mills	Art Unit 2616	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, ~~the proposed amendment(s)~~: a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: 4,5,7,8,14,15,17 and 18.
- Claim(s) rejected: 1-3,6,9-13,16 and 19-24.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

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Continuation of 11. NOTE:

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Rejection Under 35 USC 103

On page 13 of the remarks, regarding claims 1, 11, and 21, the Applicant argues neither Chheda nor Saunders discloses, teaches, or otherwise makes obvious *a database capable of storing R active wireless terminal records, each said R active wireless terminal records containing: an active orthogonal code used to communicate with one of said wireless access terminals*. The Examiner respectfully disagrees. The claims are read with a broad reasonable literal interpretation, and claims are read in light of the specification without reading limitations from the specification into the claims. Chheda disclose a cell which includes a base station transceiver system 204 that communicates with mobile stations utilizing CDMA in which communication channels between the BTS and each mobile station is created by one of a group of orthogonal codes (equivalent to a database storing terminal records) using smart beamforming antennas with preselected coefficients (equivalent to an active orthogonal code used to communicate with one of the terminals) (See column 5, lines 14-17; column 8, lines 49-54; and column 11, lines 17-29.) Therefore, Chheda teaches obvious *a database capable of storing R active wireless terminal records, each said R active wireless terminal records containing: an active orthogonal code used to communicate with one of said wireless access terminals*.

On page 13 of the remarks, regarding claims 1, 11, and 21, the Applicant argues neither Chheda nor Saunders discloses, teaches, or otherwise makes obvious the *controller associated with said database capable of receiving a notification that a new wireless access terminal is accessing said base station and, in response to said notification, comparing said each of said R active wireless terminal records to new downlink beamforming coefficients suitable for forming*

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a downlink transmit beam for transmitting to said new wireless access terminal and, in response to said comparison, determines at least one active wireless terminal record containing corresponding downlink beamforming coefficients that have the least correlation with said new downlink beamforming coefficients. The Examiner respectfully disagrees. Saunders teaches an apparatus and method for adaptive beamforming in an antenna array which stores received information (database) with a predictive filter that predicts the future transmission; combines the previously received information (comparing the records to new downlink beamforming coefficients); and the predicted information to generate beamforming coefficients for weighting information to be transmitted subsequently from the array of adaptive antenna elements (corresponding downlink beamforming coefficients that have the least correlation) (See column 2, lines 49-63.) Therefore, Saunders teaches the *controller associated with said database capable of receiving a notification that a new wireless access terminal is accessing said base station and, in response to said notification, comparing said each of said R active wireless terminal records to new downlink beamforming coefficients suitable for forming a downlink transmit beam for transmitting to said new wireless access terminal and, in response to said comparison, determines at least one active wireless terminal record containing corresponding downlink beamforming coefficients that have the least correlation with said new downlink beamforming coefficients.*


CHI PHAM
SUPERVISORY PATENT EXAMINER 6/18/08